

REMARKS

Applicant responds hereby to the office action dated March 27, 2008. Claims 2-3, 5-9, 12-15, 17-18, 20-24, 27-30, and 45 are amended hereby. Claims 31-33, 35-41, and 43 were previously cancelled without prejudice or disclaimer of subject matter. Claims 1 and 16 are currently cancelled without prejudice or disclaimer of subject matter. Claims 2-15, 17-30, 34, 42, and 44-45 remain pending hereinafter, where Claims 6 and 21 are independent claims.

Favorable consideration and allowance of the claims of the present application are respectfully requested.

Objection to Specification

The Specification is objected to as failing to provide proper antecedent basis for the claimed subject matter of Claim 45. Specifically, the Examiner states in the Final Office Action that "agent server step" in Claim 45 has not been provided in the Specification. In response, a phrase "agent server step" in Claim 45 is deleted. Therefore, the Examiner is respectfully requested to withdraw objection to Specification.

Rejection under 35 U.S.C. § 112, 1st paragraph

Claim 45 is rejected under 35 U.S.C. § 112, 1st paragraph, as failing to comply with the written description requirement. Specifically, the Examiner states in the Final Office Action that "agent server step" in Claim 45 has not been provided in the Specification. In response, a phrase "agent server step" in Claim 45 is deleted. Therefore, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 112, 1st paragraph on Claim 45.

Rejection under 35 U.S.C. § 112, 2nd paragraph

Claims 1, 3, 5, 6, 8, 9, 12-15, 16, 18, 20, 21, 23, 24, and 27-30 are rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner further states in the Final Office Action that these Claims include grammatical and idiomatic errors due to a literal translation from a foreign language to English. In response, Claims 1 and 16 are cancelled

without prejudice or disclaimer of subject matter. The subject matter of Claim 1 is incorporated in Claim 6. The subject matter of Claim 16 is incorporated in Claim 21. Claims 2-3, 5-9, 12-15, 17-18, 20-24, and 27-30 are amended as above to correct grammatical and idiomatic errors as indicated by the Examiner on pages 6-8 in the Final Office Action. Therefore, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 112, 2nd paragraph, of Claims 1, 3, 5, 6, 8, 9, 12-15, 16, 18, 20, 21, 23, 24, and 27-30.

Rejections under 35 U.S.C. § 103(a)

The Examiner rejects Claims 1, 2, 16, 17, 21, 34, 42, 44, and 45 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Saran (US 2003/0055668) (hereinafter “Saran”) in view of Hiltgen (US 2004/0216126A1) (hereinafter “Hiltgen”), Hyde (Memory Architecture) (hereinafter “Hyde”), Ransom (US 6,148,324) (hereinafter “Ransom”), and Cochcroft (US 5,317,738) (hereinafter “Cochcroft”).

In response, Claim 6 and 21 are amended to incorporate subject matter of cancelled Claims 1 and 16 (i.e., The subject matter of Claim 1 is incorporated in Claim 6. The subject matter of Claim 16 is incorporated in Claim 21). Claims 6 and 21 are further amended to incorporate subject matter directed to “a plurality of threads” and “allocation means/step” as formal in Claims 12 and 27 as originally filed.

In addition, Claim 6 and 21 are being amended to add new limitations “said inserting and said reading are performed in parallel” in insertion and reading means/step and “the threads are allocated first to the agents having messages of low priorities”. These added limitations are found at paragraphs [0081] and [0222] of the corresponding Pre-Granted Publication (US 2004/0202165 A1). Therefore, no new matter is entered.

The Examiner alleges that Saran and Hyde discuss “insertion and reading means for inserting the message into the message queue and reading the agents from persistent storage to the cache memory” at paragraphs [99-109 and 116-117] of Saran and a section 6.3 of Hyde. The paragraph [99-109] of Saran discusses queuing messages. The paragraph [116-117] of Saran discusses an event listener that is a process that listens all the requests of third parties and processes requests using an API. Section 6.3 of Hyde discusses a memory hierarchy such as a hard disk, a main memory, and a cache memory. However, neither Saran nor Hyde discuss “the inserting (the message into the message queue) and the reading (the agents from persistent

storage to the cache memory) are performed in parallel". Furthermore, Hiltgen, Ransom, and Cochcroft do not discuss "inserting the message into the message queue and reading the agents from persistent storage to the cache memory". Therefore, the added limitation "said inserting and said reading are performed in parallel" in insertion and reading means/step patentably distinguishes Claims 6 and 21 over Saran, Hiltgen, Hyde, Ransom, Cochcroft, whether alone or in combination.

The Examiner alleges that "a plurality of threads mutually operable in parallel" is discussed at paragraphs [6, 11-12, 40-47] of Hiltgen. Especially, at the paragraph [47] of Hiltgen states "The determination of whether the selected agent is forked or threaded may be made with reference to a configuration file that specifies which agents are to be threaded and which are to be forked. In particular, an agent may be classified as "lazy" or "immediate" in a configuration file. When the primary process 118 starts, the session managers 132 review the configuration file and determine whether any of the agents are immediate. Agents classified as immediate are launched when the primary process 118 starts. Agents classified as lazy are launched when a request from a client application 110, 112, or 114 is received." Therefore, in Hiltgen, an agent classified as immediate launched as soon as the primary process 118 starts. In Hiltgen, an agent classified as lazy are launched when a request is received at primary process 118 from a client application 110, 112, or 114. One of ordinary skilled in the art can appreciate that a primary process 118 is launched (i.e., activated) first, and then it becomes available to receive a request from a client application 110, 112, or 114. Hence, Hiltgen discusses that an agent classified as immediate is launched before an agent classified as lazy is launched. Applicants added another new limitation "the threads are allocated first to the agents having messages of low priorities" to further distinguish Claim 6 and 21 over Hiltgen, Saran, Hyde, Ransom, Cochcroft, whether alone in combination. By adding this limitation "the threads are allocated first to the agents having messages of low priorities" in Claims 6 and 21, an agent having a message of a low priority (corresponding to "lazy" in Hiltgen) receives a thread before an agent having a message of a high priority (corresponding to "immediate" in Hiltgen) receives a thread. As stated above, Hiltgen discusses that an agent classified as lazy is launched after an agent classified as immediate is launched. Furthermore, Saran, Hyde, Ransom, and Cochcroft do not discuss "the threads are allocated first to the agents having messages of low priorities". Hence, the added limitation "the threads are allocated first to the agents having messages of low priorities" further

distinguishes Claim 6 and 21 over Saran, Hiltgen, Hyde, Ransom, Cochcroft, whether alone or in combination.

Claims 2, 34, and 44 depend on Claim 6 and are patentable therewith. Claims 17, 42, and 45 depend on Claim 21 and are patentable therewith. Accordingly, the Examiner is respectfully requested to withdraw the rejections of Claims 1, 2, 16, 17, 21, 34, 42, 44, and 45 under 35 U.S.C. §103(a) over Saran in view of Hiltgen, Hyde, Ransom, and Cochcroft.

The Examiner rejects Claims 7-9 and 22-24 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Saran in view of Hiltgen, Hyde, Ransom, and Cochcroft, and further in view of Gay (US 2004/0100906 A1) (hereinafter "Gay").

Claim 7 depends on Claim 6, which is patentably distinct as described above. Therefore, Claim 7 is patentable therewith. Claims 8-9 depend on Claim 7 and are patentable therewith. Claim 22 depends on Claim 21, which is patentably distinct as described above. Therefore, Claim 22 is patentable therewith. Claims 23-24 depend on Claim 22 and are patentable therewith. Accordingly, the Examiner is respectfully requested to withdraw the rejections of Claims 7-9 and 22-24 under 35 U.S.C. §103(a) over Saran in view of Hiltgen, Hyde, Ransom, and Cochcroft, and further in view of Gay.

The Examiner rejects Claims 3 and 18 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Saran in view of Hiltgen, Hyde, Ransom, and Cochcroft, and further in view of Hunter (US 6,665,699 B1) (hereinafter "Hunter").

The Examiner alleges in the Final Office Action that "selecting a plurality of unselected process requester as the process requesters to be inserted and read" in insertion and reading means/step is discussed in paragraphs [99-109] and [116-117] of Saran. However, the paragraph [99-109] of Saran is directed to queuing messages. The paragraph [116-117] of Saran is directed to an event listener. Hence, "selecting a plurality of unselected process requester as the process requesters to be inserted and read" in Claims 3 and 8 is not taught or suggested by Saran, Hiltgen, Hyde, Ransom, Cochcroft, Hunter, whether alone or in combination.

Accordingly, the Examiner is respectfully requested to withdraw the rejections of Claims 3 and 8 under 35 U.S.C. §103(a) over Saran in view of Hiltgen, Hyde, Ransom, and Cochcroft, and further in view of Hunter.

The Examiner rejects Claims 4-5 and 19-20 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Saran in view of Hiltgen, Hyde, Ransom, and Cochcroft, Hunter and further in view of Deosaran (US 2002/0135611) (hereinafter "Deosaran").

Claims 4-5 depend on Claim 3 and are patentable therewith. Claims 19-20 depend on Claim 18 and are patentable therewith. Accordingly, the Examiner is respectfully requested to withdraw the rejections of Claims 4-5 and 19-20 under 35 U.S.C. §103(a) over Saran in view of Hiltgen, Hyde, Ransom, and Cochcroft, Hunter and further in view of Deosaran.

The Examiner rejects Claims 10 and 25 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Saran in view of Hiltgen, Hyde, Ransom, and Cochcroft and further in view of Butterworth (US 6,996,821 B1) (hereinafter "Butterworth").

The Examiner rejects Claims 10 and 25 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Saran in view of Hiltgen, Hyde, Ransom, and Cochcroft and further in view of Butterworth (GB 2 348 306 A) (hereinafter "Butterworth GB").

Claim 10 depends on Claim 6, which is patentably distinct as described above. Therefore, Claim 10 is patentable therewith. Claim 25 depends on Claim 21, which is patentably distinct as described above. Therefore, Claim 25 is patentable therewith. Accordingly, the Examiner is respectfully requested to withdraw the rejections of Claims 10 and 6 under 35 U.S.C. §103(a) over Saran in view of Hiltgen, Hyde, Ransom, and Cochcroft and further in view of Butterworth or Butterworth GB.

The Examiner rejects Claims 12-15 and 27-30 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Saran in view of Hiltgen, Hyde, Ransom, and Cochcroft and further in view of Calvignac (hereinafter "Calvignac").

The Examiner rejects Claims 12-15 and 27-30 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Saran in view of Hiltgen, Hyde, Ransom, and Cochcroft and further in view of Nishimura (hereinafter "Nishimura").

Claims 12-15 depend on Claim 6 and are patentable therewith. Claims 27-30 depend on Claim 21 and are patentable therewith. Accordingly, the Examiner is respectfully requested to withdraw the rejections of Claims 12-15 and 27-30 under 35 U.S.C. §103(a) over Saran in view of Hiltgen, Hyde, Ransom, and Cochcroft and further in view of Calvignac or Nishimura.

Conclusion

In view of the foregoing, this application is now believed to be in condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner believes a telephone conference might expedite prosecution of this case, it is respectfully requested that he call the applicant's attorney at (516) 742-4343.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steven Fischman', with a long horizontal flourish extending to the right.

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